

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LARRY THOMAS BRODIE, JR,	:
	:
	19 Civ. 6968 (PAE)
	(RWL)
	:
Petitioner,	:
	:
-v-	<u>OPINION AND ORDER</u>
	:
	:
ANDREW SAUL,	:
Commissioner of Social Security,	:
	:
Respondent.	:
	:
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PAUL A. ENGELMAYER, District Judge:

On July 25, 2019, petitioner Larry Thomas Brodie, Jr. filed this action, seeking review of the final decision of defendant Andrew Saul, the Commissioner of Social Security (the “Commissioner”). That decision denied Mr. Brodie disability insurance benefits and supplemental security income under the Social Security Act, on the ground he was not disabled under the Act. Dkt. 1. On May 21, 2020, Mr. Brodie moved, under Federal Rule of Civil Procedure 12(c), for judgment on the pleadings, reversing the Commissioner’s decision and remanding for further proceedings. Dkt. 20. On June 22, 2020, the Commissioner filed a cross-motion, also pursuant to Rule 12(c), for judgment on the pleadings affirming the Commissioner’s decision. Dkt. 21.

Before the Court is the August 25, 2020 Report and Recommendation of the Honorable Robert W. Lehrburger, United States Magistrate Judge. The Report recommends that the Court grant the Commissioner’s motion, deny Mr. Brodie’s motion, and dismiss the case. Dkt. 23.

The Report also stated that the parties were required to file any objections within 14 days from the date of service of the Report. *Id.* To date, the Court has received no objections.

DISCUSSION

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When specific objections are made, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *King v. Greiner*, No. 02 Civ. 5810 (DLC), 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009) (citing *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)); *see also Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citation omitted).

CONCLUSION

Careful review of the thorough and well-reasoned Report reveals that there is no facial error in its conclusions. The Report, which is incorporated by reference herein, is adopted without modification. Mr. Brodie’s motion for judgment on the pleadings is denied and the Commissioner’s cross-motion for judgment on the pleadings is granted. The Clerk of Court is directed to close this case.

The parties’ failure to file written objections precludes appellate review of this decision. *See Caidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008); *Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (*per curiam*).

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: September 28, 2020
New York, New York